

The Westfield-Washington Advisory Plan Commission met at 7:00 p.m. on Monday, February 4, 2008 at Westfield City Hall. Members present were Bob Horkay, Ginny Kelleher, Bob Smith, Dan Degnan, Pete Emigh, Bill Sanders, and Cindy Spoljaric. Also present were Greg Anderson, Director, Jennifer Miller, Kevin Todd, and Attorney Brian Zaiger.

Not Present: Rob Stokes

Anderson reviewed the structure of the workshop meeting and the Rules of Conduct.

NEW BUSINESS

0708-DP-12 19720 Tomlinson Road (JM) PC Wright & Co., Inc. requests Development Plan
0708-SPP-03 and Secondary Primary Plat approval of a proposed subdivision, Tomlinson Terrace, on approximately 41.73 acres in the SF-2 District.

Anderson reviewed the petition history stating that the petitioner is now entering the six month window where they must come before the Commission to ask for a continuance. He further stated the petitioner is here to present evidence and information in that regard of what has been done to this point.

Mr. Chuck Wright, President, PC Wright and Company, stated this project went through the zoning process in 2006 and has returned for development plan approval and preliminary plat approval. He further stated his concern regarding three items in the staff report: right of way grants (different from when going through the zoning process) due to the adoption of the Westfield Transportation Plan, road construction of 196th Street, and a discussion on landscaping. Referring to the commitments listed in the staff report, Wright specially mentioned four of them: #4, Dedication of preservation area along north and south property lines of the development; #5, Conservancy Area with one acre conservancy area dedicated to preserving the trees in that area; #10, minimum square footage of a home on a site, which creates a price point; and Item #12, side load garages, of the 62 lots presented, 36 would be side load rather than front load. He further stated it was hard for the petitioner to move forward when they had to commit to building the road. His question tonight is whether or not the building of the road was mandated and if so, could the cost to split between other parties benefiting from the road including the City of Westfield, the School Corporation, and the Library.

Zaiger confirmed with Wright that the standards in place now are the ones committed to with the rezone, and since there are problems with the updated Thoroughfare Plan and updated plans for the City's infrastructure, changes were made on the petitioner's property. He further reiterated that the petitioner is not lowering the standards or the right of way any less than originally zoned; therefore, the upshot is the petitioner is asking if they get together with Westfield Public Works, would it be alright with the Commission. Zaiger further stated no variance or change to the zoning can be granted as it sits.

Smith stated the issue is can the petitioner negotiate this joint funding enterprise to meet the road requirements.

Zaiger stated the Commission's concern is that the petitioner does not go below the standards approved on the original rezone.

Kelleher believes this is an issue for Council and the Community Development Director since these are commitments originally made, which the petitioner intends to uphold; however, additional requests from Westfield Public Works and the City are holding the project up, which the Commission has jurisdiction.

Anderson stated since the petitioner has reached the six-month window and wishes to continue discussions with the Westfield Public Works Department and the Community Development Department, a waiver of the rules must be granted in order for further discussions so that this petition can be moved forward.

Kelleher does not see any reason not to continue this petition.

Wright asked for a six-month extension but would agree to 90 days.

Degnan asked if this petition will then come back to a workshop meeting.

Anderson responded yes, to the workshop meeting in April. Anderson further stated the Commission does not need to take any action this evening.

Sanders suggested 120 days rather than 90 days.

Sanders moved that 0708-DP-12 and 0708-SPP-03 be continued 120 days.

Kelleher seconded, and the motion passed by voice vote.

0712-REZ-06 4005 Westfield Road (KT)_Indiana Members Credit Union requests change in zoning of approximately 5.5 acres from GO to GB.

Anderson reviewed the petition and the use list stating any Commissioners who still wish to submit their use list, there is still time, and a comprehensive use list will be presented at regular meeting on February 19. Anderson further stated the petitioner is willing to participate and dedicate their 25% of the whole and dollar amount to develop that portion of the trail system in the future.

Spoljaric was willing to allow a lot of things and wondered if there are some service related uses.

Kelleher believes asking the petitioner to stick to general office uses even though rezone to general business would be too restrictive, especially along SR 32 and agrees there will probably be a combination of office and service uses.

Anderson stated the petitioner is aware of our expectations, this is not the final plan, and staff will work with the petitioner to work through issues.

Zaiger stated the petitioner cannot make a commitment other than to develop the property in compliance with the zoning ordinance in place at the time.

Spoljaric asked for a copy of the commitments filed with Hamilton County.

Anderson stated those commitments were covenants and restrictions that run with the land and not with the City and agreed to get those to the Commission before the regular meeting on February 19.

0801-ZOA-03 WC 16.04.210 Zoning Definitions (KT)_Revisions to Section 16.04.210 Definitions of the Westfield-Washington Township Zoning Ordinance to modify sign definitions, proposed by Westfield Community Development Staff.

Anderson reviewed proposed revisions to sign definitions.

Horkay asked if these definitions were intended to be global.

Anderson responded these are not global, but specific to signs.

Kelleher asked for confirmation that “front building elevation” in this case is being applied in this definition for second floor signage.

Todd responded yes, that is the origin of this definition.

Horkay stated some of these definitions may not be necessary for the sign ordinance.

Sanders asked if front elevation references front lot line, once subdivided, would the front lot line change.

Todd responded only if public right of way.

Sanders asked about second page, tenant second floor, between floor surface above the ground floor and the surface of the next floor above, what about a building with two ground floors. He further stated another problem is if you have a building with a sizable atrium, three story building, second floor may be above two story atrium in this definition. Sanders suggested, “...between the floor surface above the ground or first floor and the prevalent surface of the next or second floor above...”

Todd expressed concern about the level of interpretation and whether that should be included in the definition.

Anderson stated they would review the definitions further and bring back before the Commission on February 19.

Spoljaric stated the majority of this was completed by the Committee because a petitioner wanted second floor signage; therefore, a lot of the language and definitions are probably more focused on that particular two-story structure.

Spoljaric stated that ground floor inline tenant would not necessarily be an exterior store front but perhaps a patron entrance.

Todd stated if they don't have a store front, they don't get a sign.

Spoljaric stated that begs a question what is an interior store front.

Sanders suggested “and/or” patron entrance, you’ve covered first floor retail or individual entries for first floor office.

Anderson stated staff would review this further.

Todd asked the Commission regarding front building elevation, would the Commission like this to be a global definition.

Horkay suggested two definitions, front building elevation and an additional sub-definition that applies to how to orient signage on a building.

Kelleher asked if front building elevation is in the zoning ordinance definitions.

Todd responded no; these are new definitions.

Kelleher does not think we should make these global at this point since these were specifically for sign definitions.

0801-CPA-01 Comprehensive Plan Amendment (GA) Public Hearing February 19_Thoroughfare Plan / Trails System

Anderson introduced the Comprehensive Plan Amendment to amend the text of the Transportation Plan with regard to the bicycle and pedestrian plan. The proposed amendment to the draft text is to reflect the addition of the continuance of the Midland Trace, Monon Trail, and Natalie Wheeler loop. Anderson further stated that under State Statute, any changes to the Transportation Plan as a component to the Comprehensive Plan requires a public hearing before the Plan Commission; therefore this document will be brought back before the Commission for Public Hearing on February 19.

0802-ZOA-05 Trail Overlay District (GA) Overlay District Standards for Dedication, Construction and Development

Anderson introduced the Trail Overlay District stating this will come to the Commission at the March Workshop meeting.

Sanders suggested being careful that people do not look at this as disadvantageous to them relinquishing that right of way whether compensated or otherwise, because like it or not we are placing a restriction on those abutting properties.

Kelleher stated that on the Thoroughfare Plan there was verbiage added to make people understand this was not an absolute and there would be some consideration and suggested may want to review those in this case.

Spoljaric asked for a summary report on implementation strategies on the Comprehensive Plan.

Spoljaric asked for an update on the Zoning Ordinance update.

Kelleher asked a procedural question regarding opening and closing the public hearing and whether we need to have a motion and second to open a public hearing or can the President just state that the public hearing is opening.

Zaiger stated that as long as the public hearing is opened and people are given a chance to speak, that is all that is required.

Anderson reiterated that the times of the opening of the public hearings will be noted in the minutes.

Smith opened the floor for public comment.

Mr. Mic Mead asked for instruction on opening the special study on the website. Mead also stated his lack of understanding why second story signage is treated different from the first floor.

Kelleher asked an additional procedural question regarding role call votes vs. voice vote.

Spoljaric believes it was stated in the Planning Workshop that in the state statute, legally you had to have a role call vote for a rezone.

Zaiger responded that early in the meeting Smith stated that he would call for votes and if there were any no's he would call for a role call. He further stated he would investigate the state statute regarding role call votes for rezones.

Emigh moved to amend the Rules of Procedure to allow for a voice vote and to do a role call vote if anyone votes no.

Degnan seconded.

Zaiger suggested putting this item on the agenda for the February 19 regular meeting. He asked the Commission for their comments and he will draft something.

Emigh withdrew his motion.

Degnan withdrew his second.

MISCELLANEOUS

Anderson presented the first Certificate of Completion to Cindy Spoljaric for attending the Nitty Gritty Planning Workshop.

Spoljaric asked why it was necessary to open a separate public hearing and have a separate vote on a site plan and a development plan.

Anderson stated no public hearing is necessary for a site plan, but that the votes could be combined.

Anderson introduced Mr. Robert Spraeetz who will be appointed by Mayor Cook on February 11 and will be an official Commissioner for the City of Westfield beginning with the February 19, 2008 meeting.

Horkay pointed out that the website shows the next Plan Commission meeting as February 18 which is a holiday; the next regular Advisory Plan Commission will be on Tuesday, February 19.

The meeting adjourned at 8:48 p.m.

President

Secretary